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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/091,805	12/10/1998	TOSHIYUKI NAKATA	MATS:006	5347

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[REDACTED] EXAMINER

NGUYEN, TUYEN T

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

2832

DATE MAILED: 11/04/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. <b>09/091,805</b>	Applicant(s) <b>Nakata et al.</b>	
	Examiner <b>Tuyen T. Nguyen</b>	Art Unit <b>2832</b>	
<i>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --</i>			
<b>Period for Reply</b>			
<p>A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.</p> <ul style="list-style-type: none"> <li>- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.</li> <li>- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.</li> <li>- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.</li> <li>- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).</li> <li>- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).</li> </ul>			
<b>Status</b>			
<p>1) <input checked="" type="checkbox"/> Responsive to communication(s) filed on <u>Aug 14, 2002</u></p>			
<p>2a) <input checked="" type="checkbox"/> This action is FINAL.      2b) <input type="checkbox"/> This action is non-final.</p>			
<p>3) <input type="checkbox"/> Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i>, 1935 C.D. 11; 453 O.G. 213.</p>			
<b>Disposition of Claims</b>			
<p>4) <input checked="" type="checkbox"/> Claim(s) <u>1-9 and 11-51</u> is/are pending in the application.</p>			
<p>4a) Of the above, claim(s) <u>1-9, 11-16, and 21-39</u> is/are withdrawn from consideration.</p>			
<p>5) <input checked="" type="checkbox"/> Claim(s) <u>20, 40, and 41</u> is/are allowed.</p>			
<p>6) <input checked="" type="checkbox"/> Claim(s) <u>17-19</u> is/are rejected.</p>			
<p>7) <input checked="" type="checkbox"/> Claim(s) <u>42-51</u> is/are objected to.</p>			
<p>8) <input type="checkbox"/> Claims _____ are subject to restriction and/or election requirement.</p>			
<b>Application Papers</b>			
<p>9) <input type="checkbox"/> The specification is objected to by the Examiner.</p>			
<p>10) <input type="checkbox"/> The drawing(s) filed on _____ is/are a) <input type="checkbox"/> accepted or b) <input type="checkbox"/> objected to by the Examiner.</p> <p style="margin-left: 20px;">Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).</p>			
<p>11) <input type="checkbox"/> The proposed drawing correction filed on _____ is: a) <input type="checkbox"/> approved b) <input type="checkbox"/> disapproved by the Examiner.</p> <p style="margin-left: 20px;">If approved, corrected drawings are required in reply to this Office action.</p>			
<p>12) <input type="checkbox"/> The oath or declaration is objected to by the Examiner.</p>			
<b>Priority under 35 U.S.C. §§ 119 and 120</b>			
<p>13) <input checked="" type="checkbox"/> Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).</p>			
<p>a) <input checked="" type="checkbox"/> All b) <input type="checkbox"/> Some* c) <input type="checkbox"/> None of:</p>			
<p>1. <input checked="" type="checkbox"/> Certified copies of the priority documents have been received.</p>			
<p>2. <input type="checkbox"/> Certified copies of the priority documents have been received in Application No. _____.</p>			
<p>3. <input type="checkbox"/> Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</p>			
<p>*See the attached detailed Office action for a list of the certified copies not received.</p>			
<p>14) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).</p>			
<p>a) <input type="checkbox"/> The translation of the foreign language provisional application has been received.</p>			
<p>15) <input type="checkbox"/> Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.</p>			
<b>Attachment(s)</b>			
<p>1) <input type="checkbox"/> Notice of References Cited (PTO-892)</p>		<p>4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____</p>	
<p>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)</p>		<p>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)</p>	
<p>3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____</p>		<p>6) <input type="checkbox"/> Other: _____</p>	

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## **DETAILED ACTION**

### ***Election/Restriction***

1. Newly submitted claims 1, 3-5, 7, 13, 29, and 31 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: The amended claims are not directed toward the elected embodiment.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 1-9, 11-16, 29, and 31 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 17-19 and 42-51 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 17, there is no antecedent basis for "the one notch."

Regarding claim 42, lines 10-12, applicant should clarify what is intended by the terminals being led outside the closing magnetic core "through the entire thickness" of the common magnetic

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yoke's notch. In lines 13-14, there is no antecedent basis for "the one notch." Claims 43-51 inherit the defects of the parent claim.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 17-19, 42-44 and 46-51, as best understood in view of the rejection under 112 second paragraph, are rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art of figure 47 in view of Smith [US 5,175,525] and Mitsui et al. [US 4,352,080].

Applicant's admitted prior art of figure 47 in view of Smith discloses the instant claimed invention [see previous office action, paragraph 5] except for the specifics structure of the insulating layer cooperating with the common magnetic yoke of the closing magnetic core.

Mitsui et al. discloses the claimed ferrite core and bobbin structure [see previous office action, paragraph 5].

It would have been obvious to one having ordinary skilled in the art at the time the invention was made to use core/bobbin design of Mitsui et al. in applicant's admitted prior art of figure 47, as modified, for the purpose of facilitating manufacture of the device.

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6. Claim 45 is rejected under 35 U.S.C. 103(a) as being unpatentable over applicant's admitted prior art of figure 47 in view of Smith and Mitsui et al. as applied to claims 42-44 above, and further in view of Saitoh et al. [US 5,204,653].

Applicant's admitted prior art of figure 47, as modified, discloses the instant claimed invention except for the core being formed of manganese ferrite.

Saitoh et al. discloses a core structure for an induction device with the core being formed of manganese ferrite material [column 8, lines 59-68].

It would have been obvious to one having ordinary skilled in the art at the time the invention was made to use manganese ferrite for the core structure of applicant's admitted prior art of figure 47, as modified, as suggested by Saitoh et al., for the purpose of improving magnetic permeability.

*Allowable Subject Matter*

7. Claims 20 and 40-41 are allowed.

8. The following is an examiner's statement of reasons for allowance:

The prior art of record fails to teach or disclose a magnetic core structure for a choke coil including first and second magnetic core elements, wherein the first and second magnetic core element, each including a common magnetic yoke, wherein a thickness of the second common magnetic yoke is 65-90% of a thickness of the first common magnetic yoke.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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***Response to Arguments***

9. Applicant's arguments filed 8/14/02 have been fully considered but they are not persuasive.

Applicant argues that:

[1] Smith does not teach a notch for leading or guiding a terminal to the outside.

[2] Mitsui et al. does not teach a projection formed on an insulative layer.

[3] Neither Mitsui et al. or Smith teach the inside terminal extending completely through the thickness of the notch.

The examiner disagrees.

Regarding [1], Smith shows the notch, as claimed, see figure 5.

Regarding [2], Mitsui et al. discloses the projections, as claimed, see figure 9, note element 30c for engaging core piece [10].

Regarding [3], Smith discloses the terminals, as best understood from the claim language, extending through "the entire thickness."

***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the

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THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Tuyen T. Nguyen whose telephone number is (703) 308-0821.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Elvin Enad, can be reached at (703) 308-7619. The fax number for this Group is (703)872-9318 before the final office action, if the response is after final office action the fax number is (703)872-9319.

Any inquiry of a general nature or relating to status of this application of proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

TTN 

November 3, 2002

  
TUYEN T. NGUYEN  
EXAMINER  
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P2100